The Registry of the Competition Tribunal

2008-2009

Report on Plans and Priorities

Jim Prentice
Minister of Industry

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SECTION I—OVERVIEW

Minister's Message

The Government of Canada is committed to creating an environment where all Canadians have every opportunity for continued prosperity.

We laid out our long-term economic plan in *Advantage Canada.* It identified five Canadian objectives, related to tax reduction, debt reduction, entrepreneurship, knowledge in the workforce and infrastructure, which will help us improve our quality of life and succeed on the world stage. I'm pleased to note the commonality between these advantages and Industry Canada's mission of fostering a growing, competitive, knowledge-based economy.

Clearly, our government is making strides towards achieving our long-term goals. For example, we have provided $190 billion in broad-based tax relief over this and the next five years, including cuts to corporate, small business and personal taxes. Our debt repayment goals have been accelerated by three years. We're setting the right conditions for entrepreneurs to thrive, for research and development to flourish. for additional competition and growth in the wireless sector and for our workforce to build on its expertise. Finally, we continue to invest heavily in our physical infrastructure to build the networks needed to carry our people, goods and services across Canada and beyond.

In May 2007 Prime Minister Harper unveiled our Science and Technology Strategy, *Mobilizing Science and Technology to Canada's Advantage*. It is a policy framework that has received wide acclaim, both in Canada and internationally. Our government believes that science and technology, and research and development, are more critical than ever to pushing forward the frontiers of knowledge and transforming that knowledge into new products, services and technologies.

Our hard work is paying off. The economic fundamentals are in place to help us realize our goals. We boast strong public finances, an economy that is as healthy as it has been for a generation and low unemployment.

As Minister of Industry, I look forward to implementing our government's agenda for providing effective economic leadership — an agenda that provides concrete, realistic solutions to the economic challenges our country is facing.

As always, we must build on our success as a nation. In this regard, Industry Canada and its portfolio partners continue to strive towards a fair, efficient and competitive marketplace, an innovative economy, competitive industries and sustainable communities — in short, outcomes that will help Canadians continue to enjoy a quality of life that is second to none.

It gives me great pleasure to present the annual *Report on Plans and Priorities* for the Registry of the Competition Tribunal outlining in greater detail the Department's main initiatives, priorities and expected outcomes for the upcoming year.

Jim Prentice
Minister of Industry

Management Representation Statement

I submit for tabling in Parliament, the 2008-2009 Report on Plans and Priorities (RPP) for the Registry of the Competition Tribunal.

This document has been prepared based on the reporting principles contained in the *Guide for the Preparation of Part III of the 2008–09 Estimates: Reports on Plans and Priorities and Departmental Performance Reports*:

- It adheres to the specific reporting requirements outlined in the Treasury Board of Canada Secretariat guidance;
- It is based on the department's strategic outcomes and Program Activity Architecture that were approved by the Treasury Board;
- It presents consistent, comprehensive, balanced and reliable information;
- It provides a basis of accountability for the results achieved with the resources and authorities entrusted to it; and
- It reports finances based on approved planned spending numbers from the Treasury Board of Canada Secretariat.

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Raynald Chartrand

Deputy Head/Registrar

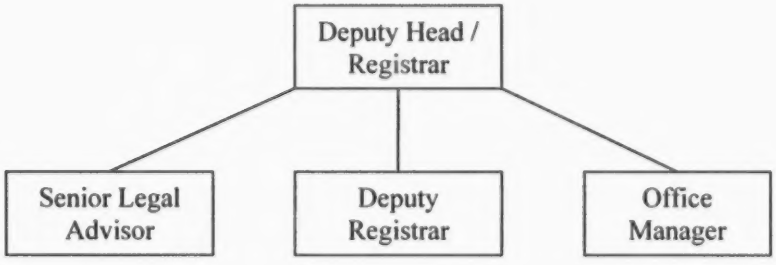
Raison d'être

The Competition Tribunal is a quasi-judicial adjudicative tribunal created in 1986 by the *Competition Tribunal Act*. Its mandate is to hear references and applications and issue orders related to the civil reviewable matters set out in Parts VII.1 and VIII of the *Competition Act*, whose purpose is to maintain and encourage competition in Canada. The Tribunal's sole purpose is to hear references and applications and issue orders. It operates at arm's length from government and its departments.

Since its creation, the Tribunal has heard cases relating to mergers, abuse of dominant position and various trade practices that have involved key players in several industries. The Tribunal has dealt with cases concerning products and services in a number of business arenas, including, among others, pharmacies; furniture stores; importers of cast iron pipes; airline computer reservation systems; oil refining and gasoline retailing; community newspapers; aspartame; waste disposal; car parts; marketing research services and shared electronic network services.

The *Competition Tribunal Act* provides for an administrative infrastructure in support of the Tribunal through the Registry of the Competition Tribunal (RCT). The RCT is designated a department under the *Financial Administration Act*. The RCT provides all requirements for the proper conduct of the Tribunal's business, and for the Tribunal to hold hearings anywhere in Canada, as necessary. The RCT is the repository for the filing of applications and documents, as well as issuing documents and orders for all cases brought before the Tribunal. This Report on Plans and Priorities pertains to the activities of the Registry in support of the Tribunal and its deliberations, and not to Tribunal cases themselves.

Organizational Information



Voted and Statutory Items displayed in the Main Estimates

Vote or Statutory Item	Truncated Vote or Statutory Wording	($ thousands) **2008–09 Main Estimates**	2007–08 Main Estimates
45	Program expenditures	**1,546**	1,536
(S)	Contributions to employee benefit plans	**153**	160
	Total Agency	**1,699**	1,696

Departmental Planned Spending Table and Full-time Equivalents

($ thousands)	Forecast Spending 2007–08	Planned Spending 2008–09	Planned Spending 2009–10	Planned Spending 2010–11
Process Cases	1,536	**1,699**	1,699	1,699
Budgetary Main Estimates (gross)	1,536	**1,699**	1,699	1,699
Less: Respendable revenue	0	**0**	0	0
Total Main Estimates	1,536	**1,699**	1,699	1,699
Supplementary Estimates				
Supplementary B	150			
Other				
Employee Benefit Plan (EBP)	160			
Collective Agreements	10			
Carry-Forward	54			
Total Adjustments	374			
Total Planned Spending	1,910	**1,699**	1,699	1,699
Less: Non-respendable revenue	0	**0**	0	0
Plus: Cost of services received without charge	630	**630**	630	630
Total Departmental Spending	2,540	**2,329**	2,329	2,329
Full-time Equivalents	14	**14**	14	14

Summary Information

Financial Resources ($ thousands)

2008–09	2009–10	2010–11
$1,699	$1,699	$1,699

Human Resources

2008–09	2009–10	2010–11
14 FTEs	14 FTEs	14 FTEs

Departmental Priorities

Name	Type
1. The RCT provides all administrative support required for the proper conduct of the Competition Tribunal's business and for the Tribunal to hold hearings anywhere in Canada.	On-going

Program Activities by Strategic Outcome

	Expected Results	Planned Spending ($ thousands)			Contributes to the following priority
		2008–09	2009–10	2010–11	
Strategic Outcome:	Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction.				Priority 1
Process Cases	High quality registry services providing the public efficient access to case documents and decisions. Efficient case processing and hearing services.	1,699	1,699	1,699	Providing all administrative support required for the proper conduct of the Competition Tribunal's business and for the Tribunal to hold hearings anywhere in Canada.

Departmental Plans and Priorities

Working Environment

The Registry of the Competition Tribunal (RCT) was created to provide administrative and logistical support to the Competition Tribunal. The Competition Tribunal is a small federal adjudicative body with one business line, that is, the hearing of applications and the issuance of orders under the *Competition Act*. Parties appearing before the Tribunal are Canadian businesses and the Commissioner of Competition and the cases it hears are complex. Conducting proceedings in a timely manner is important, and outcomes of these proceedings are felt by all Canadians. The RCT has a small budget and does its utmost to provide value-for-money and superior service to the Tribunal, its Chairperson and members, Tribunal clients and all Canadians.

The RCT has a major planning challenge in that the Tribunal's sole function is hearing references and applications and issuing orders; as such, it can only react to external demands. The number of applications brought to the Tribunal depends on the enforcement policy adopted by the Commissioner of Competition and the number of applications filed by individuals or companies under the private access provisions of the Act.

The RCT consistently looks for ways to enhance preparedness to ensure that cases are processed promptly and fairly. Litigants expect cases to be resolved quickly and at lower cost. The electronic filing and hearing process developed by the RCT has set a standard for the legal community. The RCT is committed to maintaining its position as a leader in the field of technology.

Significant Ongoing Initiatives

Improving Client Service

The RCT will continue to provide efficient case processing and hearing services to the Tribunal and litigants in 2008-2009, while managing the Tribunal's case records efficiently and providing Canadians with timely information on the Tribunal's caseload.

Modernizing Technology and Processes

The RCT has invested considerable effort to update and modernize its technological base. As part of this renewal, the RCT is moving towards digitally recording Tribunal hearings. These digital recordings provide instant access to recordings of proceedings with intelligent search parameters allowing accurate retrieval of a hearing or a portion thereof. The digital recording process will improve work processes and productivity. The other benefits of the system are that it is user-friendly and flexible, as the system allows for record storage, playback and the management of recordings.

The RCT's case management system (CMS) has been completely overhauled. In order to provide access to the electronic hearings outside Ottawa, the RCT is investigating the portability of this system. The goal is to ensure that the CMS is portable and can be used outside its Ottawa hearing room. The Tribunal will pilot a remote-based CMS during its next out of town hearing. This portability is critical as the Tribunal's new Rules of Procedure (once adopted) make traditional paper-based hearings the exception.

In the coming year, the RCT will investigate possibilities to increase the use of the electronic filing system. Clients will be reminded of the benefits associated with using the e-filing system and the RCT will monitor e-filing usage.

Providing Legal Support to Tribunal Processes

The legal section's primary role within the Tribunal is to provide research and drafting support to the members of the Tribunal in the performance of their adjudicative role. As an adjunct to that function, it conducts research on various issues and is responsible for the upkeep of a library designed to provide timely and relevant information on various legal issues that impact the work of the Tribunal. The legal section will continue to maintain the Competition Tribunal library as a current and specialized resource for its users.

The RCT, in collaboration with the Tribunal Bar Liaison Committee, completely redrafted the *Competition Tribunal Rules*. Prior to these Rules coming into force, the legal section will work with registry staff to ensure the smooth implementation of the new Rules. Comprehensive training on all aspects of the new Rules and the implications on the work of the registry staff will be developed and delivered. This comprehensive training will be followed by a refresher course shortly before the new Rules come into effect.

A communications plan relating to the implementation of the new Rules will also be developed. This will include strategies, among other things, to educate clients and the public on the new Rules by posting information on the website, along with a link to the new Rules, sending a bulletin to subscribers on the Tribunal website and responding to the expected inquiries which follow any major change to practices and procedures.

Improving Management Practices

The RCT will continue to work in partnership with four other small quasi-judicial agencies: the Canadian Artists and Producers Professional Relations Tribunal, the Copyright Board, the Transportation Appeal Tribunal and the Public Service Staffing Tribunal ("cluster group") on implementing government-wide initiatives and continuing valuable work on those initiatives already implemented. The RCT also works collaboratively with other networks such as the Small Agency Transition Support Team for expertise related to human resources issues, and the Micro and Small Agency Labour Management Consultation Committee to ensure adherence to the *Public Service Labour Relations Act*.

In an effort to maximize resources, the RCT has entered into a Memorandum of Understanding to share a Financial Analyst, an IM/IT Systems Specialist and an IM/IT Systems Officer with the Registry of the Public Servants Disclosure Protection Tribunal. This partnership ensures that both tribunals have access to financial and IT specialists in micro agencies with limited financial resources and varying workloads.

Over the years, the RCT has developed an extensive suite of internal policies. To ensure that all of these policies remain up-to-date and relevant, a policy review and renewal cycle will be developed. This cycle will ensure that all policies are reviewed regularly, are updated as needed and are in line with the government's objectives, Treasury Board policies and the RCT's own requirements.

In 2008-2009, the RCT will work with a consultant to update its Corporate Risk Profile and will develop an associated implementation strategy. An updated corporate risk profile will help the RCT establish a direction for managing corporate risks. The profile will present a snapshot of the RCT's risk status at a particular point in time by addressing issues from a risk perspective, such as the organization's threats, opportunities, strengths, and weaknesses; its objectives and expected results; and any key high-level risks that need to be managed to enable the RCT to achieve its corporate objectives and results.

In 2008-2009, the RCT will develop a long-term capital replacement plan. The plan will ensure the practical allocation of scarce financial resources to allow the RCT to plan for major expenditures. Capital replacement planning means taking a long-term view of the physical and financial needs of the department. The capital replacement plan will look at leasehold improvements and replacement of equipment over a number of years.

Focusing on Employee Learning and Development

Employee learning and development is a priority. Over the previous few years a lot of work was done internally to develop a Competency Dictionary for the RCT and a competency profile for each position. The RCT will work with My School (Canada School of Public Service) to provide its employees the training necessary to develop a career and learning plan. In support of this, the RCT has also increased the amount of money allotted to employee learning.

SECTION II – ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

Analysis by Program Activity

This Plans and Priorities document reflects the unique structure of the RCT as a single service line – registry services in support of the business of the Competition Tribunal. Due to the small size of the organization, this report also serves as the RCT's business plan. The plans and priorities description takes into account that the RCT is responsible for the administrative support of the Tribunal and is accountable for its voted funds. The RCT is a small organization where human resources are multi-disciplinary to serve the single business and service lines efficiently, and where financial and human resources are shared among strategic outcomes and associated activities.

Strategic Outcome:

The RCT will provide support for open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction.

Program Activity Name:

Process Cases
The Tribunal hears cases and the registry processes the material for the cases heard by the Tribunal under Part VII.1 (Deceptive Marketing Practices) and Part VIII (Reviewable Matters) of the *Competition Act.*

Support Services
Internal support services related to cases and other administrative support (IT, HR, legal services, finance, etc.).

Financial Resources ($ thousands)

2008–09	2009–10	2010–11
$1,699	$1,699	$1,699

Human Resources

2008–09	2009–10	2010–11
14 FTEs	14 FTEs	14 FTEs

The priority of the RCT is the provision of all administrative support required for the proper conduct of the Competition Tribunal's business and for the Tribunal to hold hearings anywhere in Canada.

The expected results of the strategic outcome of open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction are:

- A registry service that provides administrative support to Tribunal members and litigants and timely access to case records and decisions, contributing to enhanced Tribunal effectiveness and transparency; and
- Efficient case processing and hearing services to the Tribunal and litigants and efficient management of the Tribunal's case records.

In order to achieve these results, the RCT plans the constant provision of:

- Timely responses to client queries related to the new *Competition Tribunal Rules*;
- A modernized case management system; and
- An improved electronic filing system.

It is expected that strengthened management practices will be achieved through:

- Collaboration with other similar organizations and participation in interdepartmental working groups and networks;
- Partnerships to maximize resources;
- Policy renewal; and
- Focus on employee learning and development.

Financial Resources: ($ thousands)

2008–09	2009–10	2010–11
$1,699	$1,699	$1,699

The RCT's Program Activity Architecture outlines its main program activities. The first activity is to process cases. The expected results of this activity are, first, high quality registry services providing the public efficient access to case records and decisions. The associated performance indicator is that case documents and decisions are posted on the Tribunal's website. This supports the RCT's priority of modernizing its technology.

The next expected result is the processing of documents according to timeframes established in the Rules of Procedure. The performance indicator for this result is that documents are processed within mandatory timeframes. This is directly related to the priority of developing and delivering training sessions on the new Rules to registry staff.

Lastly, access to efficient management of electronic hearings of applications is another expected result. The associated performance indicator is an increase in the use of electronic hearings. This supports the priority of improving and increasing the use of the electronic filing system and modernizing the RCT's technology

SECTION III – SUPPLEMENTARY INFORMATION

Table 1: Departmental links to the Government of Canada Outcomes

Strategic Outcome: Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction.					
		Planned Spending ($ thousands)			Alignment to Government of Canada Outcome Area
	Expected Results	2008–09	2009–10	2010–11	
Process Cases	High quality registry services providing the public efficient access to case documents and decisions. Efficient case processing and hearing services.	1,699	1,699	1,699	These results are linked to the Government of Canada Outcomes related to Economic Affairs; namely, an innovative and knowledge-based economy and a fair and secure marketplace.

An electronic version of the following table can be found on the Secretariat's website at http://publiservice.tbs-sct.gc.ca/est-pre/20082009/p3a_f.asp

- Services Received Without Charge

OTHER ITEMS OF INTEREST

Enabling Legislations

Competition Tribunal Act, R.S.C 1985 (2d Supp.), c. 19
Part VII.1, *Competition Act*, R.S.C. 1985, c. C-34
Part VIII, *Competition Act*, R.S.C. 1985, c. C-34

For Further Information

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